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22 February 2010

TO: Commissioner of Patents and Trademarks  
Office of Finance – Maintenance Fee Division  
2051 Jamieson Ave – Suite 300  
Alexandria, VA 22314

4 PAGES  
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RE: 7041438 10/039956

OFFICE OF PETITIONS

Attached is a Request for Correction of Payment Deficiency under 37 C.F.R 1.28 (c) .

Please process those details handled by the Maintenance Fee Branch and forward on to the Petitions Department.

Many thanks for your assistance.

  
Sallie Winkler  
Service Account Manager - USPTO  
Client Service Centre

703-739-1243 phone  
703-739-2815 fax

Certificate of Facsimile Transmission

I hereby certify that this paper is being  
facsimile transmitted to the USPTO at 571-273-  
6500 on the date below.

Date

22 Feb 10

Signature



The Commissioner is hereby authorized to charge any additional fees associated with these payments or credit any overpayments to Deposit Account 50-4623.

02/25/2010 MBANDURA 00000054 504623 7041438

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490.00 DA

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

PATENT NUMBER: 7,041,438

ISSUE DATE: May 09, 2006

APPLICATION SER. NUMBER: 10/039,956

FILING DATE: October 23, 2001

TITLE: Use of human embryonic stem cells for drug screening and toxicity testing

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OFFICE OF PETITIONS

Current Date: February 22, 2010

**REQUEST FOR CORRECTION OF PAYMENT DEFICIENCY**  
**UNDER 37 C.F.R. 1.28 (c)**Commissioner for Patents  
Mail Stop M Correspondence  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Owner of above-listed U.S. Patent No. 7,041,438 respectfully requests that a payment for deficiency owed regarding the 4-year maintenance fee be accepted by the Office. The patent maintenance fee previously paid for this matter on October 07, 2009 was paid in good faith based on a small entity status. However, due to an oversight the 4-year patent maintenance fee should have been paid based upon large entity status.

The total deficiency currently owed is \$490.00. The itemization of the deficiency payment is as follows:

U.S. Pat. No. 7041438  
Ser. No. 10/039,956  
Date: February 22, 2010

Current Maint. Fee Due at 4 years for Large Entity:	\$980.00
Maint. Fee Previously Paid as Small Entity:	<u>\$490.00</u>
<b>TOTAL DEFICIENCY OWED:</b>	<b>\$490.00</b>

A request to CHANGE OF ENTITY STATUS PURSUANT TO 37 C.F.R.

§1.27 (g)(2) has been submitted herewith.

Owner of the above-listed patent respectfully requests the Office to accept this request to increase the 4 year maintenance fee to large entity based upon compliance herein with 37CFR 1.28 (c). The Commissioner is hereby authorized to charge \$490.00, the deficiency owed, and any additional fee that may be due or credit any overpayment to Representative's Deposit Account No. 50-4623.

Respectfully submitted,  
/Kendal M. Sheets/

Kendal M. Sheets  
Reg. No. 47, 077  
Authorized Representative  
CPA Global  
225 Reinekers Lane, Suite 400  
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Certification of Facsimile Transmission

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DATE: February 22, 2010

SIGNATURE: /Kendal M. Sheets/

**PATENT**  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 10/039,956

Current Date: November 12, 2009

Filed: October 23, 2001

**RECEIVED**

Patent Number: 7,041,438

MAR 01 2010

Issued: May 9, 2006

OFFICE OF PETITIONS

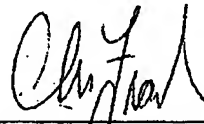
**CHANGE OF ENTITY STATUS PURSUANT TO 37 C.F.R. § 1.27(g)(2)**

Commissioner for Patents  
Mail Stop M Correspondence  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication hereby notifies the United States Patent and Trademark Office that small entity status is no longer applicable for the above-identified patent.

Respectfully submitted,



Cheryl L. Franke  
Reg. No. 44,113

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Menlo Park, CA 94025